

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 AARON MOULTRIE,
4 JASMINE MONTALVO

5 Plaintiffs

6 v.

7 THE BRIDGE LUXURY APARTMENT,
8 Defendant

Case No.: 3:21-cv-00333-MMD-WGC

**Report & Recommendation of
United States Magistrate Judge**

9
10 This Report and Recommendation is made to the Honorable Miranda M. Du, Chief
11 United States District Judge. The action was referred to the undersigned Magistrate Judge
12 pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

13 An application to proceed in forma pauperis (IFP) and pro se complaint were filed in this
14 case. (ECF Nos. 1, 1-1.) The IFP application and complaint list the plaintiffs as Aaron Moultrie
15 and Jasmine Montalvo; however, both the IFP application and complaint are only signed by
16 Aaron Moultrie.

17 On August 18, 2021, the court entered an order noting that Plaintiff did not appear to be
18 an attorney licensed to practice law in Nevada (or any other state), and therefore, he could not
19 initiate a civil complaint or file an IFP application on behalf of another individual. The court
20 gave Plaintiffs 30 days to submit an IFP application signed by Ms. Montalvo, and to either
21 submit a complaint signed by both Mr. Moultrie and Ms. Montalvo or an amended complaint by
22 just Mr. Moultrie. (ECF No. 8.)

23 To date, Plaintiffs have not complied with the court's order. Therefore, it is
recommended that this action be dismissed without prejudice, and that the case be

1 administratively closed. In light of this recommendation, the pending IFP application (ECF No.
2 1) and motion for appointment of counsel (ECF No. 7) should be denied as moot.

3 **RECOMMENDATION**

4 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
5 this action **WITHOUT PREJUDICE** and administratively closing the case. As such, the
6 pending IFP application (ECF No. 1) and motion for appointment of counsel (ECF No. 7) should
7 be **DENIED AS MOOT**.

8 The Plaintiffs should be aware of the following:

9 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
10 this Report and Recommendation within fourteen days of being served with a copy of the Report
11 and Recommendation. These objections should be titled "Objections to Magistrate Judge's
12 Report and Recommendation" and should be accompanied by points and authorities for
13 consideration by the district judge.

14 2. That this Report and Recommendation is not an appealable order and that any notice of
15 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
16 until entry of judgment by the district court.

17
18 Dated: October 8, 2021

19 

20 William G. Cobb
21 United States Magistrate Judge
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